

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CITY OF ALMATY, KAZAHKSTAN
and BTA BANK JSC,

Plaintiffs,

v.

FELIX SATER, DANIEL RIDLOFF, BAYROCK
GROUP INC., GLOBAL HABITAT SOLUTIONS,
INC., RRMI-DR LLC, FERRARI HOLDINGS LLC,
and MEM ENERGY PARTNERS LLC,

Defendants.

No. 19 Civ. 2645 (AJN) (KHP)

**DECLARATION OF MATTHEW SCHWARTZ IN SUPPORT OF PLAINTIFFS' MOTION TO
COMPEL PRODUCTION IN RESPONSE TO PLAINTIFFS' THIRD SET OF DOCUMENT
REQUESTS AGAINST THE SATER DEFENDANTS**

I, MATTHEW L. SCHWARTZ, declare under penalty of perjury that the following is true and correct:

1. I am partner in the law firm of Boies Schiller Flexner LLP, counsel for Plaintiffs in the above-captioned case. I make this declaration in support of Plaintiffs' motion to compel production in response to Plaintiffs' third set of document requests against Defendants Felix Sater, Bayrock Group Inc., and Global Habitat Solutions, Inc. (collectively, the "Sater Defendants").

2. On September 15, 2020, counsel for the Sater Defendants asked counsel for Plaintiffs for a four-week extension to October 21, 2020, of the time to respond to Plaintiffs' second set of document requests, which Plaintiffs granted.

3. On September 30, 2020, Plaintiffs served the Sater Defendants with Plaintiffs' Third Request for Production of Documents from the Sater Defendants. A true and correct copy is attached hereto as **Exhibit 1**.

4. On October 21, 2020 counsel for the Sater Defendants asked that all discovery be put on hold for thirty days.

5. Plaintiffs did not agree to that request. Plaintiffs also requested that all settlement discussions be conducted through counsel for the parties. Subsequently, some settlement discussions took place through counsel, although obviously no disposition has been reached.

6. On October 31, 2020, the Sater Defendants served Plaintiffs with their Response to Plaintiffs' Third Request for Production of Documents. A true and correct copy is attached hereto as **Exhibit 2**.

7. In response to the Sater Defendants' objection, counsel for Plaintiffs and the Sater Defendants met and conferred, during which the Sater Defendants refused to withdraw their objection. During that meet and confer process, Plaintiffs provided the Sater Defendants with a summary of the case law and argument contained in the accompanying memorandum of law, including relevant citations.

Dated: New York, New York
December 11, 2020

Respectfully,

/s/ Matthew L. Schwartz
Matthew L. Schwartz